

# **INDIANA STATE PSYCHOLOGY BOARD**

## **MINUTES**

**July 18, 2008**

### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

The meeting was called to order by Sharon Bowman, Ph.D. at 9:29 a.m. in the Professional Licensing Agency, Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana and a quorum was established.

#### **Members Present:**

Sharon L. Bowman, Ph.D., Chairperson  
Stephen Ross, Psy.D., Vice-Chairperson  
Thomas Holsworth, Ph.D.  
Barbara Cunningham, Consumer Member  
Melody Dilk, Ph.D., J.D.

#### **Members Absent:**

None

#### **Staff Present:**

Jeanette Roberts, Board Director  
Peter Wallace, Assistant Board Director  
Julie Alexander, Board Counsel

### **II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the July 18, 2008 agenda, as amended.

HOLSWORTH/CUNNINGHAM  
5/0/0 Motion carried.

### **III. ADOPTION OF THE MINUTES FROM THE APRIL 25, 2008 MEETING OF THE BOARD**

A motion was made and seconded to adopt the April 25, 2008 minutes of the board.

CUNNINGHAM/ROSS  
4/0/1 Motion carried. (Dilk abstained)

### **IV. ELECTIONS**

A motion was made and seconded to elect Dr. Stephen Ross as Chair and Dr. Sharon Bowman as Vice-Chair.

HOLSWORTH/CUNNINGHAM  
5/0/0 Motion carried.

### **V. ADMINISTRATIVE HEARINGS**

#### **A. In the matter of Lynn Mucha, Ph.D. License No. 20041054A**

Cause No. 2005 ISPB 0002

Re: Final Hearing/Extension of Summary Suspension/Settlement Conference

#### **Parties and Counsel Present:**

Heather Kennedy, Deputy Attorney General

Lynn (Mucha) Scott, Ph.D.  
Suzanne Lupton, Counsel for the Respondent  
Chad Priest, Counsel for the Respondent

**Participating Board Members:**

Stephen Ross, Psy.D.  
Sharon L. Bowman, Ph.D.  
Thomas Holsworth, Ph.D.  
Barbara Cunningham, Consumer Member  
Melody Dilk, Ph.D., J.D.

**Case Summary:** A petition for summary suspension was filed in this matter on February 16, 2005. The Board voted to summarily suspend the Respondent until the completion of the criminal matter. A complaint was filed in this matter on April 10, 2008. A proposed settlement agreement, approved by the board designee, was presented to the board for approval.

A motion was made and seconded to accept the proposed settlement agreement with the agreed to changes as discussed by the board. Dr. Mucha's expired license will be placed on indefinite probation.

HOLSWORTH/DILK  
4/0/1 Motion carried. (Bowman abstained)

**VI. PUBLIC HEARING ON PROPOSED RULE**

**LSA Document #07-310**

Under IC 4-22-2-23, the State Psychology Board intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 868 IAC 1.1-3-8 to establish requirements for limited scope temporary psychology permits.

The board reviewed the proposed rule.

There were no public comments.

There were no technical amendments.

A motion was made and seconded to adopt the rule.

HOLSWORTH/DILK  
5/0/0 Motion carried.

**VII. ADMINISTRATIVE HEARINGS (Cont.)**

**A. In the matter of David Buckingham, Ph.D. License No. 20040172A**

Cause No. 2008 ISPB 0001  
Re: Final Hearing

**Parties and Counsel Present:**

Heather Kennedy, Deputy Attorney General  
David Buckingham, Ph.D., Respondent  
Phyllis Garrison, Counsel for the Respondent

**Participating Board Members:**

Stephen Ross, Psy.D.  
Sharon L. Bowman, Ph.D.  
Thomas Holsworth, Ph.D.  
Barbara Cunningham, Consumer Member  
Melody Dilk, Ph.D., J.D.

**Case Summary:** A complaint was filed in this matter on June 30, 2008.

Both the counsel for the state and counsel for the Respondent make opening statements. The state enters petitioner's exhibit A – Court documents regarding Dr. Buckingham's conviction. It is accepted into evidence.

Counsel for the Respondent enters respondent's exhibit 1 – Buckingham's CV, respondent's exhibit 2 – three (3) photos of the injury, respondent's exhibit 3 – Statement from the wife of Dr. Buckingham, respondent's exhibit 4 – a letter from Dr. Cove to the probation department, and respondent's exhibit 5 – receipt for payment of court costs, etc. Dr. Buckingham states that he will waive confidentiality.

Ms. Garrison asks for a continuance. The State objects to the continuance.

A motion was made and seconded to grant the continuance.

HOLSWORTH/CUNNINGHAM  
1/3/1 Motion dies.

Dr. Dilk states that she does not believe that there is evidence to support that the conviction would affect his practice ability. Dr. Ross agrees. Dr. Holsworth thinks that they should require an evaluation.

A motion was made and seconded to find Dr. Buckingham in violation of the count listed in the complaint.

HOLSWORTH/CUNNINGHAM  
1/3/1 Motion dies.

No disciplinary action will be taken.

#### **VIII. APPLICATION REVIEW**

##### **A. Jamie L. Hasley Lopez**

Re: Application for Approval of Professional Supervision for CE Credit

Ms. Lopez is not required to complete CE.

##### **B. Javan L. Horwitz**

Re: Issues during Internship

The application is approved.

##### **C. Corinne Young**

Re: Questions about Internships with Dr. Spencer & Dr. Mucha

The board feels that her internships are fine. She needs to send syllabi on the family psychology course.

#### **IX. RULE READOPTION**

##### **Re: LSA Document #08-347**

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date.

The following was read into record:

"This discussion is concerning the readoption of the administrative rules of the board. These rules expire every seven (7) years if not readopted by the board. The board has reviewed the rules to be readopted and have determined that proposed rule to be adopted, 868 IAC 1.1-3-1, does not impose costs and requirements on small businesses pursuant to IC 4-22-2.5-3.1 (c). However, the board has determined that there are no alternatives for these rules."

There were no public comments.

There were no technical amendments.

A motion was made and seconded to readopt the rules.

DILK/ROSS  
5/0/0 Motion carried.

## **X. OLD/NEW BUSINESS**

### **A. Update from Board's legal advisor**

Ms. Alexander did research on HIPPA requirements vs. Indiana law. She will put her findings in memo form to present to the board at a later date. She also informs the board of a recent court ruling that speaks to their question.

### **B. Mobility Rule Discussion**

Dr. Holsworth provides the Director with information regarding the mobility rule. The Director will put together a rule document for review by the board at their next meeting.

### **C. Indiana Law**

RE: Medical Records and Progress Notes

See update above.

### **D. Letter from Daniel Cohn**

The board reviewed this letter.

### **E. Email from Dr. George Feden**

Re: License Status

On September 21, 2007 the board found that Dr. Feden was short sixteen (16) hours of CE and assessed a fine in the amount of \$800.00. He was ordered to complete the missing CE within 6 months. As of today, Dr. Feden has completed the CE and has paid the fine. His license is now in good standing with the board.

### **F. Email from Dr. Charles W. Perkins**

Re: Changing from HSPP Status

Dr. Perkins would like to relinquish his HSPP status. The board will agree to allow Mr. Perkins to relinquish his HSPP endorsement. He must return the HSPP certificate with an official request.

### **G. Email question from Tabitha Carlson**

Re: mediation for post doc hours

Ms. Carlson inquired of the board whether one could count mediation for direct patient contact hours. The board discusses and decides that mediation cannot count towards direct patient contact hours; however it can be used towards total hours.

### **H. Letter from Dr. Gerald Vasily**

Re: New Supervisor

Dr. Vasily is requesting that the board approve a new supervisor, Dr. James Lowry, because his current supervisor Dr. John Kling is retiring from practice. The board approves this change.

**XI. ADJOURNMENT**

Having completed its business, the meeting of the Indiana State Psychology Board adjourned at 2:22 p.m.

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Stephen Ross, Psy.D., HSPP  
Chairperson